

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

MICHAEL TODD COMBS,

Plaintiff,

vs.

**MARTIN O'MALLEY,¹
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-23-281-GLJ

**OPINION AND ORDER AWARDING
ATTORNEY'S FEES TO THE PLAINTIFF UNDER THE EAJA**

Plaintiff Michael Todd Combs is the prevailing party in this action under the Social Security Act. Plaintiff seeks an award of attorney's fees in the amount of \$1,263.00 for 3.7 hours of attorney work, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket No. 15], as well as costs in the amount of \$402.00 for reimbursement of the filing fee, pursuant to 28 U.S.C § 1920 [Docket No. 16]. The Commissioner has no objection to the fee award [Docket No. 17] or the application for reimbursement of costs [Docket No. 18].

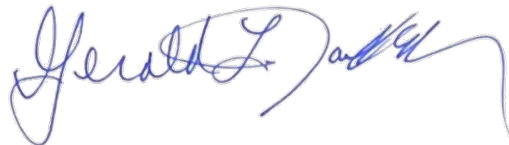
Upon review of the record herein, the Court finds that the requested amounts are reasonable and that the Commissioner should be ordered to pay them to Plaintiff as the

¹ On December 20, 2023, Martin J. O'Malley became the Commissioner of Social Security. In accordance with Fed. R. Civ. P. 25(d), Mr. O'Malley is substituted for Kilolo Kijakazi as the Defendant in this action.

prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits attorney’s fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.”).

Accordingly, IT IS ORDERED that Plaintiff’s Application for Award of Attorney’s Fees Under the Equal Access to Justice Act [Docket No. 15], and Application for Reimbursement of Costs and/or Expenses Under the Equal Access to Justice Act and 28 U.S.C. § 1920 [Docket No. 16] are hereby granted and that the Government is therefore ordered to pay the above-referenced amounts to Plaintiff as the prevailing party herein. IT IS FURTHER ORDERED that if Plaintiff’s attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to the Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

DATED this 30th day of January, 2024.

A handwritten signature in blue ink, appearing to read "Gerald L. Jackson", is written over a horizontal line.

GERALD L. JACKSON
UNITED STATES MAGISTRATE JUDGE